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Dean Logan's Blog

A Supreme Court Visit

Posted by David Logan on 11/03/2011 at 10:39 AM

Roger Williams University School of Law got a rare and fascinating view from the top of the profession last week, when [Associate Justice Stephen Breyer](#) of the Supreme Court of the United States visited campus. In an extremely busy half day, Justice Breyer taught a Con Law II class, met with student leaders, and sat for a revealing “Fireside Chat” with First Circuit Judge Bruce Selya (a valued adjunct and longtime friend of RWU Law, who facilitated the visit). The Justice also signed books for a long queue of students, faculty, staff and alums – staying well past his scheduled departure time, ensuring that everyone who wanted an autograph – and a little face time with a “Supreme” – got their wish.

The first event was the most formal: Justice Breyer stood before an Appellate Courtroom full of Con Law students and special guests and asked what is apparently a very simple (but actually quite complex) question: Why do the courts matter? His answer: Because “We the People” make it matter.

Drawing heavily on his recent book, [“Making Our Democracy Work: A Judge’s View,”](#) Breyer made his case by pointing to the Court’s long history, from the seminal *Marbury v. Madison*, through the Cherokee Cases of the 1830s, through the Civil Rights cases of the 1950s and 60s, right up to 2000’s deeply controversial decision in *Bush v. Gore*. The Supreme Court’s work in those cases, Breyer said, represented a series of flashpoints illuminating the importance of having an institution with the power to say what the Constitution means and to cry foul when another branch transgresses its boundaries. Brandishing his pocket copy of the U.S. Constitution, he commented “If nobody has that power, we may as well hang it in a museum.”

The Cherokee and Civil Rights cases both involved situations in which the government – in the first instance federal, and in the second the states – resisted the Court’s decision, invariably resulting in “ugly and regrettable” results – from the Trail of Tears to the Little Rock Nine debacle. These cases, however, ultimately led to “the acceptance of the Rule of Law in America.”

Bringing the discussion into modern times (and mincing no words) Justice Breyer pointed to *Bush v. Gore* as “a terrible decision” (he was, of course, one of the four SCOTUS dissenters). The case was, he said, “important, unpopular and wrong” – but in spite of all this, “the people followed it – and that is a treasure for this country.”

In a week that found former Libyan leader Muammar Gaddafi's body lying on public display in a meat locker after a bloody rebel uprising, Justice Breyer noted that we need only follow the evening news to observe vivid alternatives to a reliable and publicly accepted Rule of Law.

To be continued, but for now some pics from the first event...

















